IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 729 OF 2003.

The State of Maharashtra. ... Applicant.
Versus.
Ajit Madhavrao Ravetkar. ... Respondent.

Shri Y.M.Nakhwa, A.P.P. for the Applicant.
Shri Anil Subramaniam for Respondent.

CORAM : ABHAY S.OKA, J.

DATED : 12th October, 2006.

P.C.:

1. Heard the learned A.P.P. for State on the prayer for grant of leave. The learned Additional Sessions Judge has set aside the order of conviction of the Respondent for offence punishable under section 420 of the Indian Penal Code.

2. The case of the complainant is that the Respondent-Accused was the owner of the flat. The Complainant was desirous of acquiring a flat and he had asked his friend Shri S.K.Datar to find out a suitable flat. The said Shri Datar introduced the Complainant to the Respondent. The allegation is that there was an agreement for sale executed by the Respondent in favour of the Complainant. The allegation is that the Respondent suppressed the fact that he had mortgaged the same flat and had obtained loan of Rs.3 lakhs from a Cooperative Bank.

3. After considering the evidence on record, the

learned Additional Sessions Judge has held that P.W.1 Datar admitted in evidence that the Respondent had clearly given understanding to the Complainant at the time of entering into the contract that he had raised a loan against the said flat and the said loan will be repaid. The learned Judge has recorded a finding that the offence of cheating is not established.

4. The view taken by the learned Additional Sessions Judge is a possible view on the basis of the evidence on record. No case is made out for grant of leave. Appeal is dismissed.

Judge.